

Chevy Chase Village Board of Managers

February 13, 2006

BOARD OF MANAGERS

George L. Kinter, Chair	Present
Douglas B. Kamerow, Vice Chair	Present
Susie Eig, Secretary	Present
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Absent
David L. Winstead, Board Member	Present
Peter M. Yeo, Board Member	Present

STAFF

David R. Podolsky, Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Roy A. Gordon, Police Chief	Present
Shana R. Davis-Cook, Manager of Administration	Present
Michael W. Younes, Administrative Assistant	Present

George L. Kinter, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:30 p.m. Ms. Stephens was absent. Ms. Feldman arrived at 7:35 p.m.

Approval of Minutes from the January 9, 2006 Board Meeting (Regular and Executive Sessions)

Ms. Eig submitted the following changes:

On page 6, line 1—replace “tree canopy” with “landscaping”.

On page 6, line 4—replace “thanked the group for its efforts and stated that the Board supports the initiative” with “stated that they supported the initiative and thanked the group for its efforts”.

On page 7, line 20—replace “trees” with “branches”.

Dr. Kamerow made a motion to approve the minutes of the January 9, 2006 Board Meeting as amended. Mr. Winstead seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Feldman, Mr. Yeo and Mr. Winstead voted in favor of the motion. Ms. Eig did not vote as she was absent from the January 9, 2006 meeting. The motion passed.

Treasurer’s Report

Copies of the Treasurer’s report were distributed to the Board prior to the meeting. Discussion followed.

Committee Reports

Brookville Road Working Group

Dr. Kamerow advised that pursuant to the Board's approval at its January 9, 2006 meeting, the Village executed a contract with the engineering firm of Rummel, Klepper & Kahl for a complete survey of the roadway. Mr. Podolsky said that the Maryland State Archives office began a search of their records for information on the roadway, the results of which should be available in time for the Group's March 8, 2006 meeting. Mr. Kinter clarified for the audience that the purpose in locating old records and surveying the roadway is to identify exactly how wide it is.

Montgomery County Ride-On Proposed Bus Route Change

Phil McLaughlin, Manager, Operations Planning, Division of Transit Services for Montgomery County provided background information on the proposal to shift Ride-On bus route #1 onto Brookville Road to avoid the route's current entry onto Connecticut Avenue from Leland Street in the direction of the Friendship Heights Station. He stated that the County petitioned the State Highway Administration (SHA) approximately 4 and 15 years ago to install a traffic light at Leland Street which SHA denied due to the intersection's close proximity to the traffic light at East West Highway. The buses that would be used along Brookville Road would be the same size as the ones currently traveling along Connecticut Avenue, which are 9 ½' wide and 35' long. He asserted the bus size could not be smaller due to the number of riders. He also advised the audience of a Public Forum regarding the proposal scheduled for February 23, 2006.

Marc Weller of 26 Oxford Street stated his opposition to the proposal given Brookville Road's high level of traffic, lack of sidewalks and shallow house setbacks.

Ms. Feldman stated that this proposal was made approximately 18-20 years ago and that it failed due the roadway's physical width, the close proximity of many of the adjoining houses, the lack of shoulders in several areas and the strong and convincing citizen opposition.

Justin Bausch of 12 East Lenox Street stated his objection and raised concerns regarding pedestrian safety.

Rochelle Brunner of 28 Quincy Street said she rode the route #1 bus for years and was concerned with the driver's safety procedures then and that she would be frightened to have these same drivers operating along Brookville Road without having received additional safety training.

Samuel Lawrence of 100 East Lenox Street stated that he felt the buses would have a difficult time entering Chevy Chase Circle from Western Avenue during rush hour. He inquired if the pedestrian light at Woodbine Street could be remotely activated by the bus driver as the bus approached the intersection of Leland Street and Connecticut Avenue. Mr. McLaughlin replied that he had not investigated this option.

Arthur Phelan of 6300 Brookville Road voiced his objection to the proposal and advised that traffic increases on Brookville Road as a result of automobile collisions along Connecticut Avenue between Chevy Chase Circle and the Beltway.

Polly Lawrence of 100 East Lenox Street asked if a traffic survey would be conducted to document the possible impact. Mr. McLaughlin replied that traffic studies are not typically performed unless there is visible evidence that service will be delayed. Mr. Weller responded that he would be willing to arrange and pay for a traffic study. Mr. Kinter asked Mr. Weller if he would be willing to take the lead in notifying and organizing the residents along Brookville Road in preparation for the Public Forum, to which Mr. Weller agreed. Mr. Kinter also asked Chief Gordon to compile automobile and pedestrian data for Brookville Road. Ms. Eig said it was important for the County to understand that while the Village would not support the proposal to shift the bus route, they would support the County in a proposal to SHA for additional traffic lights along Connecticut Avenue between East West Highway and Chevy Chase Circle. Mr. McLaughlin replied that the County had intentionally invited SHA to the forum so that they could begin to understand the issues affecting this region as well.

Angela Lancaster of 17 West Kirke Street asked if the County had considered redirecting the route to make a right onto Brookville Road from westbound Leland Street and then a left onto East West Highway and a left onto Connecticut Avenue. Mr. McLaughlin replied that this would not alleviate the pedestrian safety concerns of entering a high trafficked roadway. Ms. Lancaster further suggested the installation of a traffic light at the intersection of East West Highway and Brookville Road.

Mr. Kinter encouraged the audience to be in attendance at the Public Forum on February 23, 2006 at the Leland Community Center.

Budget Committee

The Committee's initial report was distributed to the Board prior to the meeting. Mr. Lawrence, Chair of the Budget Committee, advised the Board of the Committee's progress.

Decisions on Previous Appeals

None.

Appeals

A-5029(a): Mr. and Mrs. Steven M. Sprenger, 5501 Park Street—Install a fence measuring six feet (6') in height along the Belmont Avenue property line. Ms. Sprenger was in attendance to present their request. Discussion followed.

Ms. Eig made a motion to direct Counsel to draft a decision approving installation of a fence measuring six feet (6') in height along the Belmont Avenue property line. Ms. Feldman seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Eig, Ms. Feldman, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed. Ms. Sprenger asked for the decision to be expedited.

A-5029(b): Mr. and Mrs. Steven M. Sprenger, 5501 Park Street—Replace an existing concrete pool apron with brick pavers. Ms. Sprenger was in attendance to present their request. Discussion followed.

Ms. Feldman made a motion to direct Counsel to draft a decision approving replacement of the existing concrete pool apron with brick pavers. Mr. Winstead seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Eig, Ms. Feldman, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed. Ms. Sprenger asked for the decision to be expedited.

A-1462 (Extension Request): Mr. and Mrs. Kenneth Kaufman, 6311 Broad Branch Road—Removal of one Southern Magnolia tree measuring 13.5 inches in diameter located in the side yard to accommodate a proposed addition. Mr. and Mrs. Kaufman were in attendance to present their request. Mr. Kaufman stated that there had been unanticipated delays since the original approval was received and that there had been no material changes in the physical circumstance on the property or in the surrounding area since the initial appeal. Mr. Lawrence of the Village Tree Committee stated that the Committee had no objection to the request for an extension. Ms. Eig suggested reducing the reforestation requirement from a deciduous hardwood tree that must be at least 3 inches in caliper at the time of installation to a 2 ½ inch caliper tree in keeping with the now commonly used language.

Ms. Eig made a motion to direct Counsel to draft a decision approving the request for a two-year extension of A-1462 to remove a Southern Magnolia tree measuring 13.5-inches in diameter in the side yard of the property, modified to provide that the applicants must reforest with at least 1 deciduous hardwood tree that must be at least 2 ½ inches in caliper at the time of installation. Ms. Feldman seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Eig, Ms. Feldman, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed.

A-4880 (Extension Request): Mr. and Mrs. Kenneth Kaufman, 6311 Broad Branch Road—Demolish a detached garage located in the rear yard of the property. Mr. and Mrs. Kaufman were in attendance to present their request. Mr. Kaufman stated that there had been unanticipated delays since the original approval was received and that there had been no material changes in the physical circumstance on the property or in the surrounding area since the initial appeal. Discussion followed.

Dr. Kamerow made a motion to direct Counsel to draft a decision approving the request for a two-year extension of A-4880 to demolish a detached garage located in the rear yard of the property. Mr. Yeo seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Eig, Ms. Feldman, Mr. Winstead and Mrs. Yeo voted in favor of the motion. The motion passed.

A-1532: Ms. Catherine West, 142 Grafton Street—Removal of one Red Maple tree measuring 23.0 inches in diameter located in the rear yard of the property. Ms. West was in attendance to present her request and stated that the removal of the tree was requested for the installation of a driveway to allow for off-street parking, and for security since the tree provides access into the home for possible intruders. She added that she planned to install two canopy trees in the east and west corners of the rear yard with evergreen trees between those two. She said she spoke to Susan Cohen of 144 Grafton Street and will speak with Libby Kurry of 4111 Oliver Street regarding water runoff and drainage and that she will strive to be responsive to their concerns.

Mr. Lawrence stated that the Tree Committee's official position was to deny the request as the tree is viewed as a specimen tree which should be preserved. He said that they suggest the homeowner use a permeable material for the proposed driveway, thereby allowing the tree to receive rainwater. Ms. West responded that this remedy would not solve the security issue posed by the tree's location. Mr. Lawrence responded that the tree's benefits outweigh the security issue outlined by Ms. West.

Ms. Feldman made a motion to direct Counsel to draft a decision approving the removal of one Red Maple tree measuring 23.0 inches in diameter from the rear yard of the property provided the applicant reforests with at least two deciduous hardwood trees that must be at least 2 ½ inches in caliper at the time of installation and must be of species that achieve a mature height of at least 45 feet. Mr. Yeo seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Eig, Ms. Feldman, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed.

Old Business

Tree Type Distinctions: Canopy vs. Ornamental

Mr. Biddle explained that, pursuant to the Board's direction at its January 9, 2006 meeting, staff searched and had been unable to locate an industry-accepted definition for "canopy", "weed" or "ornamental" trees. Mr. Podolsky clarified that there must be a standard for residents to reference when determining if a permit is required. The Board concluded it would leave the definition of trees included under Chapter 17, Urban Forest, of the Village Code as written.

Staff Discussion—Developmental Nonconformities

Mr. Biddle explained that a memorandum from Ms. Davis-Cook had been circulated to the Board prior to the meeting suggesting a modification to Section 8-20 of the Village Code, entitled "Developmental Nonconformities". The proposal would allow residents to obtain a Building Permit from the Village Manager for in-kind fence and air conditioning unit replacements with written consent from the adjoining neighbor(s). Mr. Podolsky advised that the current Code requirement was adopted so that the height/location of fences and air conditioning units would be brought into compliance with the Code upon replacement of these items. The Board concluded it would not change Section 8-20 of the Village Code.

Connecticut Avenue Project—Private Fundraising

Mr. Podolsky circulated a memorandum to the Board prior to the meeting which outlined the law regarding the tax deductibility of contributions that are made directly to the Village for the restoration of Connecticut Avenue. Village residents Lee Jundanian, Rob Josephs and Catherine West (the group) reiterated their initiative to form a charitable foundation to which individuals may donate private funds toward the project. Mr. Podolsky said that donors should consult with their own tax advisors to fully understand the level of deduction for which they are eligible under the law. The Board directed the group to proceed in forming the foundation to ensure that all contributions for the project would be tax-deductible.

Starpower

Mr. Biddle stated that he had been in contact with representatives from *Starpower* who agreed to commit to burying the *Starpower* lines along Connecticut Avenue at no cost to the Village, provided the Village would waive 50% of the permit fee for the installation of fiber optic cables throughout the Village within the coming months. He added that *Verizon*, which is also expected to request running fiber optic cables in the Village, would be charged the full permit fee. The Board directed Mr. Biddle to define the terms of the agreement as described and to have Mr. Podolsky develop the formal agreement in cooperation with *Starpower's* Legal Counsel.

New Business

Village Tree Removal

Mr. Yeo stated that he had been approached by several residents after seeing that the Silver Maple at the end of Montgomery Street had been scheduled for removal. The residents asked if the removal could be delayed until all five of the tree's leads have died. Mr. Biddle stated that he would work with the Village Arborist to have the tops of the dead leads removed and the remaining leads cabled if necessary.

Chevy Chase Historical Society: Donation Request

Angela Lancaster of 17 West Kirke Street, Vice-President of the Historical Society, and Mary Anne Hoffman, Chair of the Video Production Committee, presented the Society's request for \$10,000 towards production of a 15-minute video chronicling the history of Chevy Chase. Ms. Hoffman explained that of the total production cost of \$44,500, the Village and the Town of Chevy Chase are each being asked to donate \$10,000 and the Villages of Chevy Chase Sections 3 and 5 and Martin's Additions are each being asked to contribute \$6,050. Ms. Hoffman added that the premiere of the video would be held on Saturday, October 7, 2006 at the Leland Center in the Town of Chevy Chase, at which time all contributors would be recognized. Mr. Yeo suggested showing the movie prior to one of the Committee on Children, Youth and Families' Movie Nights and Ms. Eig suggested providing a link to the video on the Village's website. Discussion followed.

Ms. Eig made a motion to approve the request for \$10,000 towards production of the Chevy Chase Historical Society's video history of Chevy Chase, provided the funds are returned to the Village if the remaining donations are not received. Mr. Winstead seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Eig, Ms. Feldman, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed.

Mutual Aid Agreement

Mr. Biddle explained that the agreement, circulated to the Board prior to the meeting, would allow the Village officers to enforce the County's noise ordinance (only) on the Chevy Chase Center site. Enforcement would be in response only to complaints received. Mr. Podolsky clarified that the agreement would authorize, but not obligate, the Village officers to enforce the County's noise ordinance.

Mr. Winstead made a motion to approve the Mutual Aid Agreement between Chevy Chase Village and Montgomery County, Maryland to provide enforcement of the County's noise ordinance on the Chevy Chase Center site. Dr. Kamerow seconded the motion. Mr.

Kinter, Dr. Kamerow, Ms. Eig, Ms. Feldman, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed.

Chair's Report

None.

Manager's Report

Power Outage

Mr. Biddle explained the cause of the power outages that resulted from the previous day's snow storm. He applauded the efforts of Mr. Younes who worked with PEPCO crews to determine the causes and locations of the outages in order to get the power restored.

Speed Cameras

Mr. Biddle explained that once the law goes into effect, approximately February 23, 2006, requests for proposals (RFPs) can be sent out to the competing camera companies. Chief Gordon stated that as currently understood, the revenue generated would be submitted directly to the Village, but could only be used for pedestrian safety projects and the monthly cost of the equipment. He added that the camera's strobe light would capture any vehicles traveling 10 mph or more over the posted speed limit, and portable cameras could be purchased for placement in different areas as long as the posted speed limit is 35 mph or less.

Wohlfarth Property

Ms. Eig said that she would suggest at the next Legacy Open Space Advisory Board meeting using the house on the Wohlfarth property (once vacated by Ms. Roland, the current resident) as the new headquarters for the Chevy Chase Historical Society as they are outgrowing their current facilities in the basement of the Chevy Chase Library. Mr. Yeo added that he and other residents would also like to see a small playground built on the property.

Police Report

Copies of the Police Report were distributed to the Board prior to the meeting. Discussion followed.

Mr. Kinter made a motion to adjourn the open meeting to meet in a closed session regarding a personnel matter (Village Manager's performance evaluation and compensation). Dr. Kamerow seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Eig, Ms. Feldman, Mr. Winstead and Mr. Yeo voted in favor of the motion. The motion passed. The meeting adjourned at 10:13 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.